

## COUNCIL MEETING

NOVEMBER 15, 2017

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Vice Chair Ross Kagawa at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, November 15, 2017 at 9:14 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun  
Honorable Ross Kagawa  
Honorable Arryl Kaneshiro  
Honorable Derek S.K. Kawakami  
Honorable JoAnn A. Yukimura  
Honorable Mel Rapozo (*excused from 9:14 a.m. to 11:47 a.m.; present at 1:30 p.m.*)

Excused:     Honorable Mason K. Chock

### APPROVAL OF AGENDA.

Councilmember Kaneshiro moved for approval of the agenda as circulated, seconded by Councilmember Yukimura, and carried by a vote of 5:0:2 (*Councilmember Chock and Council Chair Rapozo were excused*).

### MINUTES of the following meetings of the Council:

October 18, 2017 Council Meeting  
October 25, 2017 Special Council Meeting

Councilmember Kaneshiro moved to approve the Minutes as circulated, seconded by Councilmember Yukimura.

Council Vice Chair Kagawa:     Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve the Minutes as circulated was then put, and carried by a vote of 5:0:2 (*Councilmember Chock and Council Chair Rapozo were excused*).

Council Vice Chair Kagawa: Next item, please.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Vice Chair, we are on the Consent Calendar.

CONSENT CALENDAR:

C 2017-249 Communication (10/02/2017) from Councilmember Kawakami, requesting the presence of the Mayor, to provide a briefing on the Administration's priorities for the 2018 Legislative Session, beginning the dialogue regarding other potential County priorities and formulating the 2018 Kaua'i County Legislative Package.

C 2017-258 Communication (11/07/2017) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral reappointments to the various Boards and Commissions for the County of Kaua'i:

a. Building Board of Appeals

- Michael Y. Nagano (Fire Safety) – Term ending 12/31/2020

b. Board of Ethics

- Mary E. Tudela – Term ending 12/31/2020

c. Board of Review

- Donald G. Kolenda – Term ending 12/31/2020
- Julie B. Caspillo – Term ending 12/31/2020

d. Charter Review Commission

- Carol E. Suzawa – Term ending 12/31/2020

e. Civil Service Commission

- Jeffrey S. Iida – Term ending 12/31/2020
- Richard J. Jose – Term ending 12/31/2020

f. Cost Control Commission

- James D. Whitfield – Term ending 12/31/2020

- Tricia-Lynn K. Yamashita – Term ending 12/31/2020

g. Fire Commission

- Linda K. Ka‘auwai-Iwamoto – Term ending 12/31/2020
- Alfred Levinthol – Term ending 12/31/2020

h. Kaua‘i Historic Preservation Review Commission

- Gerald K. Ida (At-Large) – Term ending 12/31/2020
- Victoria Wichman (Hawaiian Culture) – Term ending 12/31/2020

i. Liquor Control Commission

- Shirley K. Akita – Term ending 12/31/2020
- Gerald S. Matsunaga – Term ending 12/31/2020

j. Planning Commission

- Roy K. Ho (Labor) – Term ending 12/31/2020
- Kimo M. Keawe (Environmental) – Term ending 12/31/2020

k. Salary Commission

- Robert B. Crowell – Term ending 12/31/2020

C 2017-259 Communication (11/07/2017) from Council Chair Rapozo, transmitting for Council consideration and confirmation, the reappointment of Jett J. Jasper to the Public Access, Open Space, Natural Resources Preservation Fund Commission (At-Large) – Term ending 12/31/2020.

C 2017-260 Communication (10/23/2017) from the Director of Finance, transmitting for Council information, the County of Kaua‘i Bond Summary of General Long-Term Debt Amount Outstanding as of November 8, 2017; pursuant to Section 47C, Hawai‘i Revised Statutes (HRS).

Councilmember Yukimura moved to receive C 2017-249, C 2017-258, C 2017-259, and C 2017-260 for the record, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2017-249, C 2017-258, C 2017-259, and C 2017-260 for the record was then put, and carried by a vote of 5:0:2 (*Councilmember Chock and Council Chair Rapozo were excused*).

Council Vice Chair Kagawa: Next item, please.

Ms. Fountain-Tanigawa: The next item are the Communications.

### COMMUNICATIONS:

C 2017-261 Communication (10/13/2017) from the Fire Chief, requesting Council approval to accept a donation from the Kaua'i Lifeguard Association (KLA) of one (1) 2017 Ford 4x4 F150 vehicle, valued at \$45,000, to replace an aging vehicle that is currently being utilized in Hā'ena by the Ocean Safety Bureau: Councilmember Yukimura moved to approve C 2017-261 with a thank-you letter to follow, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: I just want to say that what a gift we have with the Kaua'i Lifeguard Association (KLA). Where else do you see any agency where there is a need and then you have it donated to replace a need? It is just amazing to have the service by KLA, the work that they do in supporting the lifeguards and Fire Chief Westerman. I want to thank KLA and all of the volunteers in the community that help to support KLA and their efforts.

The motion to approve C 2017-261 with a thank-you letter to follow was then put, and carried by a vote of 5:0:2 (*Councilmember Chock and Council Chair Rapozo were excused*).

C 2017-262 Communication (10/23/2017) from the Acting County Engineer, requesting Council approval to accept a donation from Get Fit Kaua'i and the Hawai'i Public Health Institute of one (1) Mobile Multi Eco Counter, to be used for traffic studies, at an estimated value of \$9,929.00, which will allow the County to

automatically count pedestrians and cyclists along walkways, shared paths, and bike lanes, and is able to differentiate between pedestrians and cyclists using a shared path: Councilmember Yukimura moved to approve C 2017-262 with a thank-you letter to follow, seconded by Councilmember Kaneshiro.

Council Vice Chair Kagawa: Any discussion or public testimony? Glenn.

There being no objections, the rules were suspended to take public testimony.

GLENN MICKENS: For the record, Glenn Mickens. I just have a question, and maybe you cannot answer it, but what is going to be done with this information once you get it? You are going to see how many bicycles and pedestrians are using these things, but what are we going to do with it? I know you cannot reply, but I would like to have the information.

Council Vice Chair Kagawa: Anyone else from the public wishing to speak on this? Further discussion, Members? Councilmember Yukimura.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Councilmember Yukimura: When we do things like the Hardy Street project, we often want to know whether giving adequate sidewalks or bike lanes increases the frequency of use by pedestrians and bikers. So this instrument will be used to count the pedestrian, bikers, and cars...maybe not cars, but it is to establish a baseline before and then after the infrastructure is put in. It will enable us to do more evidence-based work and really see whether the work that we are doing is attaining the goals to get more people to walk and bike. It will be a very handy tool. No, Mr. Mickens, it is not a pilot program. It is used in all of the projects that we do.

Council Vice Chair Kagawa: You folks cannot have a debate.

Councilmember Yukimura: Thank you.

Council Vice Chair Kagawa: Glenn, for me, common sense says that it is going to be nice to have this tool to gather information. On any area that we may see a need to improve or what have you, it is good to have the information and the ability to take the information without using a human's time to go out there and count. It is a free donation for us to gather this type of valuable information, so I think it will be a good thing. I do not see any negative component of this. Anybody else?

The motion to approve C 2017-262 with a thank-you letter to follow was then put, and carried by a vote of 5:0:2 (*Councilmember Chock and Council Chair Rapozo were excused*).

C 2017-263 Communication (10/23/2017) from the Acting County Engineer, requesting Council approval to dispose of the following government records, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution No. 2008-39 (2008) as amended, which have been kept for over seven (7) years and are no longer of use or value:

- Various Contracts (Solid Waste and Recycling Contract files, including solicitations, contracts, correspondences, reports, and payment records) (Prior to 2009)
- Abandoned / Derelict Vehicles (Information on registered owners, towing data, vehicle license number and Vehicle Identification Number (VIN), photos, correspondences, and payment) (Prior to 2009)
- Landfill Billing (Weighmaster landfill cash receipts, cash posting lists, and customer billing) (Prior to 2009)
- Equipment Purchases (Solicitations, contracts, correspondences, and payment) (Prior to 2009)

Councilmember Kaneshiro moved to approve C 2017-263, seconded by Councilmember Yukimura.

Council Vice Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: Can we have Solid Waste come up?

Council Vice Chair Kagawa: I will suspend the rules.

There being no objections, the rules were suspended.

LYLE TABATA, Acting County Engineer: Good morning, Members. Lyle Tabata, Acting County Engineer.

Councilmember Yukimura: Good morning, Lyle. Thank you. I am just curious, it says here that the records are prior to 2009 and they are over seven (7) years; so it is actually the period from 2002 to 2009?

Mr. Tabata: It varies. We are kind of cleaning house and getting rid of documents which we are no longer required to keep.

Councilmember Yukimura: Can I assume that the files from the early '90s are already disposed of?

Mr. Tabata: I am not exactly sure. You will see another one coming for Wastewater, too.

Councilmember Yukimura: It is commendable that you folks are cleaning up.

Mr. Tabata: Yes.

Councilmember Yukimura: Landfill Billings, Abandoned/Derelict Vehicles, Solid Waste and Recycling Contracts—I just think that there are a couple of contracts that could be historically useful if they were back in the '90s.

Mr. Tabata: We can check exactly how far back and get back to you.

Councilmember Yukimura: That means that we would have to defer this item if we are not going to approve right now. Can we do that?

Council Vice Chair Kagawa: There are a few more questions, so let us see what they are and we can see what decision you folks want to make.

Councilmember Yukimura: Okay. Thank you.

Council Vice Chair Kagawa: Councilmember Brun.

Councilmember Brun: Just following up on that, so with these records, you are just getting rid of everything before 2009?

Mr. Tabata: Yes. I believe we have disposed of some previously in prior years.

Councilmember Brun: As a follow-up to Councilmember Yukimura's question, if there are some contracts in there that are relevant, would we not keep that and not just do a blanket throwaway?

Mr. Tabata: Well, if they are long expired and of no consequence to dispose of, we are just keeping paper around. I believe that everything that is prior to 2009 is probably irrelevant today. The only other major contract that is still ongoing since this period is the Waste Management contract at the landfill and that is ongoing.

Councilmember Brun: Okay.

Council Vice Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: The Waste Management contract gets renewed, so I do not think it has been since they had the contract...after the hurricane in 1992, that is when they first started on the contract, right?

Mr. Tabata: Yes. We have that memorialized and the document still exists as the base for this present contract.

Councilmember Yukimura: Are those 1992 contracts also being kept?

Mr. Tabata: Yes, I have copies.

Councilmember Yukimura: Okay. That is pretty good.

Mr. Tabata: So what is relevant will not be disposed of because it is an ongoing contract.

Councilmember Yukimura: Okay. It is just for historical use, solicitations—if we wanted to go back and look at how we handled solid waste in the past, that some of the solicitations would be important, just historically. So we do not have any backup materials or anything on microfiche or anything like that, right?

Mr. Tabata: We have not electronically filed until recently.

Councilmember Yukimura: Right. Okay. I do not mind the Abandoned/Derelict Vehicles and Landfill Billings if the current contract and all of the historical documents leading up to that are still kept. I would at least like to get some idea of the dates for the “Various Contracts,” the first bullet on the agenda. I do not have questions about the next three (3) bullets. I wonder if there would be a way that we can defer the first bullet and approve the others?

Council Vice Chair Kagawa: Councilmember Kaneshiro.

Councilmember Kaneshiro: From my standpoint, I leave it up to the Administration to make the decision on what they feel is disposable or not. I guess I will be okay with a deferral, but I am not in any way, shape, or form wanting to go through their entire list of documents and be the one to pick which one they should keep or which one they should not by just the title. We do not even know what is in the document besides the title. For me, I will leave it up to them and their discretion. I have not seen a case where we have asked them for information and they said, “We do not have it. We disposed of the file and we do not know where it went.” I am kind of hesitant to say that we should go through this list and start saying, “No, maybe you should keep this or keep that.” For the most part, we have a limited amount of storage. They are trying to clear out the storage. So for me, I leave it in their



discretion and trust them to dispose of the ones they do not leave. He said that they are keeping the Solid Waste (Landfill Management) contract from 1992 and that they have it on file, and for stuff that they do not need, they are getting rid of. It is just my initial feeling on this.

Councilmember Yukimura: I understand where Councilmember Kaneshiro is coming from, but he is not the historians who are trying to recreate some of the history. It is a whole different purpose. For example, I have asked for documents from the Office of Economic Development because there was a study done on agricultural parks in the '90s that would have been really helpful today, because I understand it was a very well-done report on agricultural parks on Kaua'i. So I asked for that and they have not been able to find it. If something like that does have value today...for example, Andy Bushnell, who is a retired history professor at Kaua'i Community College (KCC), has been studying some of the minutes of this Council to try to reconstruct some of the history. So it is for different purposes; it is not always for our purposes. I would not be the one to tell them what to keep or what not to, but I have an interest in a couple of the contracts and solicitations. It would be getting a copy before they destroy it. That is what it would be. It is not telling them to do this or do that.

Council Vice Chair Kagawa: What I would say is that I tend to agree with Councilmember Kaneshiro; however, I do not mind deferring if it is going to satisfy Councilmember Yukimura's itch on this issue. Any other Councilmembers want to chime in?

Mr. Tabata: Vice Chair, I would welcome a communication in writing of what Councilmember Yukimura is pointing towards, what documents you feel that we should look up to see if they are still available and pull them for future reference. If there is anything else, we will be mindful of what we dispose of. If we feel there is value, we will definitely set it aside.

Councilmember Yukimura: As I said, my main interest is in the first bullet. If there is an urgency, then we can divide it up. If it is just two (2) weeks and you folks do not mind...

Council Vice Chair Kagawa: I do not think a deferral is going to require us to take it ad seriatim. Let us just defer it. I am comfortable with the deferral. You can work with Christiane and have the direct questions sent over.

Councilmember Yukimura: The first question would just be the timeframe. If it is from 2002 to 2009, that is not my concern. Thank you.

Council Vice Chair Kagawa: Any other discussion, Members? Thank you, Lyle. Anybody from the public wish to speak on this item? Please come up.

Mr. Mickens: For the record, Glenn Mickens. Talking about these derelict and abandoned vehicles, I know that this is about trying to get rid of the records, but going forward, can you remember when this was called "The Garbage Island" by the *Wall Street Journal*? Maybe you remember that. We had cars all over the place and I think it was Maryanne Kusaka who had them picked up by the car load. I just want to see that going forward that we can make sure that they do a better job of finding the Vehicle Identification Number (VIN) on these cars. They just picked them up and took them down to the thing at our expense. I think the owners of these vehicles that are leaving them on the side of the road...somebody has done a far greater job...they are picking them up now...I do not see them like we used to, but they were everywhere. When a vehicle was abandoned, that meant it had to stay there, but within a couple of days, it was going to be a derelict because people come along and knock the windows out and everything. I just want to be on record and say that I hope we will go after the owners of those vehicles a little more so that it does not cost the taxpayers money. Thank you.

Council Vice Chair Kagawa: Thank you. Anybody else from the public wishing to speak on this? Seeing none, the meeting is called back to order.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Before we take the motion to defer, I will allow some discussion. I have a few words. Councilmember Brun.

Councilmember Brun: Exactly what Mr. Mickens was talking about, that was my question, but I did not think Lyle could have answered that question, so I was just going to ask the Kaua'i Police Department (KPD) later on. I hope that is what we are doing is going after the owners of the derelict and abandoned vehicles. When I used to work at Abe's, we used to just throw it away and the County used to pay for it. I just would rather we go after the owners of the vehicle and make sure that they pay the towing fee and whatever else are the charges. I do not think that was on this agenda item. This was just for records. I will find out later on from KPD and get back to you, Mr. Mickens. Thank you.

Council Vice Chair Kagawa: Further discussion? Unfortunately, with these derelict vehicles, the minute you start trying to pinpoint whose vehicle that is, they take it one step further and they start scratching off the VIN plates. The amount of effort some people will take to avoid getting caught is amazing; they are like geniuses. I know that our intentions may be good, but in the end, if these guys really want to get away from the law, they will do anything, whether they scratch off the VIN plate or what have you. Anyway, getting back to Councilmember Yukimura's concerns, I can see her concern. We have an eighteen million dollar (\$18,000,000)

budget for Solid Waste annually, about ten percent (10%) per year of the County's budget. There has been no secret that we have had many issues come up with Solid Waste and their performance, contesting some of the bid process. So I can see her concerns as being a little hesitant, but yet again, it is all about trust. Were the intentions bad by Solid Waste that caused those things? No, the intentions were never bad, but it is such a complex issue and a large financial issue for many people who are interested in doing business with the County that these protests come up and these lawsuits come up. All she is saying is to make sure that we do not just put a date randomly and you folks throw everything away and someday we contest it and you folks say, "I do not have this record," and we automatically lose because we do not have any proof. Her concerns are valid. It is all about trust, we have to trust that they know what they should be keeping, that they double and triple-check what they are throwing away, because when you are dealing with Solid Waste, we have a history there and we have to be extra careful. Further discussion? If not, can we have a motion to defer?

Councilmember Kaneshiro moved to defer C 2017-263, seconded by Councilmember Yukimura, and carried by a vote of 5:0:2 (*Councilmember Chock and Council Chair Rapozo were excused*).

Council Vice Chair Kagawa: Next item, please.

C 2017-264 Communication (10/24/2017) from the Prosecuting Attorney, requesting Council approval to receive and expend the increase in funds from contract DHS-16-OYS-624, from \$50,000.00 to \$75,000.00; an increase of \$25,000.00 from the State of Hawai'i, Office of Youth Services General Fund to continue the Kaua'i Teen Court program. The County of Kaua'i, Office of the Prosecuting Attorney will subcontract to Hale 'Ōpio Kaua'i for their services of Kaua'i Teen Court for the time period December 1, 2017 through November 30, 2018: Councilmember Kaneshiro moved to approve C 2017-264, seconded by Councilmember Yukimura.

Council Vice Chair Kagawa: Any questions?

Councilmember Yukimura: Yes.

There being no objections, the rules were suspended.

JUSTIN F. KOLLAR, Prosecuting Attorney: Good morning. Justin Kollar, Prosecuting Attorney. Jamie Olivas, Grant Coordinator.

Councilmember Yukimura: Thank you for being here. When I first saw the item on the agenda, I thought, "Teen Court...no questions...it is such a good program, automatic approval," but I thought it would be a good opportunity for you to bring us up-to-date about how it is going and maybe reiterate the statistics that

indicate the success of Teen Court and if you could refresh our memories about what it does and how it helps our kids.

Mr. Kollar: Sure. We also have the Executive Director of Hale 'Ōpio here, Von Ramos.

Councilmember Yukimura: Would you like to also have him come up, too?

Mr. Kollar: Sure, that would be great.

Councilmember Yukimura: Do we have enough mics? Okay, great.

Mr. Kollar: Essentially, Teen Court is a diversionary program where youth who get in trouble with the law can go to have their cases dealt with in a restorative manner that is outside of the family court process. It is for first-time, non-violent offenders and basically the case allows them to have their case heard and adjudicated by a jury of their peers who consider all of the circumstances and fashion appropriate remedies. Von can share a little bit more about the program and how the program has been doing.

VON RAMOS, Executive Director of Hale 'Ōpio Kaua'i: Good morning. Von Ramos, Executive Director of Hale 'Ōpio Kaua'i. Our Teen Court program has been quite busy. There has been an increase in referrals and this is done all by one (1) staff. We have Esther Soloman, who is the Teen Court Manager, and she puts in a lot of work and time and utilizes a lot of the volunteers that have stepped up to help play a role in this service. We have noticed an increase in referrals, especially with students that have been caught with cigarettes, either E-cigs or whatnot, and we see a need to help support those students, those youth that do get caught with that offense and how to best support them. Also, we see a need in how do we support the 'ohana? Our mission at Hale 'Ōpio is to strengthen the 'ohana, so that is a piece that we see a need in the Teen Court program, is we want to build that family piece. We have noticed that it is usually the youth that is held accountable, but then the family is just they drop off the kids and then the kid is pretty much there to take accountability, but I think as parents, they play a role in this diversion process. We are looking to enhance the program by building that family piece. We are developing the Teen Court program so that we can redirect the youth to the needed services that they need. We have two (2) restorative programs, which is a Victim's Impact program and Family Conferencing, which is supported by a judiciary, and that is a program that is very under-utilized. So we would like to utilize that program in conjunction with Kaua'i Teen Court to refer the youth to these programs. I think that is where we can sort of meet the needs of either providing support for their family and really making it a really restorative justice type of program. Currently, the program is set up where a student will come in, they will admit to the charges, and by their peers, they are given a consequence or a sanction. Most times, it is either writing an apology

letter to whoever the victim is or community service. We have noticed that maybe it might be affective for some kids, but for the majority of the kids, it is pretty much a walk in the park for them. So we see a need to have something that will be more impactful, so that is where we see the need to...what I am saying is that Teen Court is going to sort of be like a triage where it is a referral source where we can direct the youth and the family to the needed services and making it be more of a court diversion. We do see youth that eventually do end up in the court system, so maybe we are not doing enough at the court diversion at the Teen Court level to help prevent that. So with that, we would like to offer more services.

Councilmember Yukimura: Do you have a statistical chart showing the number of...what do you call them...entries or how many enter the Teen Court system?

Mr. Kollar: Yes, we track that and we monitor the contract and we have to report back to the Office of Youth Services (OYS) on the stats.

Councilmember Yukimura: Could you provide that?

Mr. Kollar: Sure. We brought the most recent report with us, covering the timeframe of July 1, 2017 to September 30, 2017, and during that reporting period, there were fifteen (15) new admissions, thirty-one (31) youth who exited the program, having completed program requirements, and then a total number of thirty-two (32) who exited the program. So one (1) of those thirty-two (32) was not successful in completing the program. Of the fifteen (15) who served during that reporting period, four (4) picked up new offenses during the reporting period, so that is about one (1) in four (4) that picked up other detainments or delinquency offenses. That is the most recent reporting period, which covers this past summer.

Councilmember Yukimura: So you had fifteen (15) new admissions during this interval of the year or so?

Mr. Kollar: No, this is a three-month period.

Councilmember Yukimura: Oh, three-month...it is a quarter...in that quarter, you had thirty-one (31) successful completions?

Mr. Kollar: Yes.

Councilmember Yukimura: Thirty-two (32) total throughput, if you will?

Mr. Kollar: Yes.

Councilmember Yukimura: If you are judging by completions, you had a ninety-six percent (96%) success rate; do you have a longitudinal study to see whether those kids, over the next five (5) years, are thrown back into the system because of infractions or violations?

Mr. Kollar: We do not have an analysis over that type of timeframe, but the recidivism rate, I can tell you anecdotally, is probably about twenty percent (20%) of the kids who go into Teen Court. We do see them later in life for various things, like traffic offenses and low-level stuff, but the majority of the kids who go to the program is one and done.

Councilmember Yukimura: The majority of the kids who go through the program do not come back into the criminal law system?

Mr. Kollar: Correct.

Councilmember Yukimura: So that shows that it is a highly successful program. Von, what you are talking about is that you are even trying to increase the effectiveness by not only having these little penalties of writing apology letters or doing community service, but actually getting support for the family and the child on a more long-term basis.

Mr. Ramos: Yes.

Mr. Kollar: To testament to the success of the program, OYS wants to give us more money to support the program because it has been running on a shoestring, compared to the work that they do. The twenty-five thousand dollars (\$25,000) that they typically get from us does not fund the full expense of the program. Hale Ōpio has been generously filling in using their own resources. For OYS to call us and say, "Hey, we have extra money for you to give to this program," really shows that they believe in the program.

Councilmember Yukimura: Okay. Very good. Thank you.

Mr. Kollar: Thank you.

Council Vice Chair Kagawa: Councilmember Kawakami.

Councilmember Kawakami: This may be a unique question, and what really piqued my attention and got my ears up was when you said that some of these penalties that are being doled out, such as apology letters and community service, "For some of these kids, it is a walk in the park," so we are looking at perhaps stiffer penalties or a bigger dose of reality for some of the very few that they are like, "This is nothing, this is actually fun." I can remember in high school that we had to have

our parents sign this wavier form because we were going to watch this show...I do not know what class it was...Health or something, but this show was called "Scared Straight"—Does that type of technique work and is there any opportunity to take some of these kids, the ones that you can kind of see, "Hey, you know what, this is going to require a little more," and maybe they need to see what it really looks like inside and how cold it is and how lonely it can be, to kind of persuade them to move in a better direction. Does it work? Have you folks considered it? I would not know.

Mr. Ramos: From what I know about "Scared Straight" is that it actually has the opposite effect. It has been shown to not be effective. I can attest to that because when I worked for Hina Mauka Teen CARE, we would take our clients, our youth to Kaua'i Community Correctional Center (KCCC) to sort of give them that experience. But for most of them, shockingly, it was more of a family reunion. They were excited to see their "aunties, uncles, cousins, and brothers" that are in KCCC. That had a different effect. So we really needed to rethink that intervention. Now, for the youth, nothing really scares them or impacts them. Back in our day, maybe those programs did. But now it takes much more. A big part of it is education, especially if the youth do not realize that they do have a problem. Many of the youth that we have been noticing that come through Teen Court, there might be an underlying substance abuse problem. How do we capture that? How do we identify that so that we can direct them to get the help that they need. That is something that we want to add to Teen Court is a screening tool to see if there is some substance use and be able to inform the guardians and the parents that there might be a substance issue and these are the supports in the community that could help support your youth. We want there to be a warm handoff to get that support. That is where I think Teen Court can be a triage where we are finding out what are the individual needs of the youth and the family, not have a prescribed treatment, but have individualized and that is where we will see more of an impact. If we involve the family, I think that is where a lot of the changes will be more long-lasting. If we affect the system around the child, then the child's behavior will improve. So we cannot just be child-focused; we have to be system-focused.

Mr. Kollar: It is not necessarily the toughness of the sanction, but the comprehensiveness of the sanction and really getting that intervention done at the earliest possible stage. Right now, that kind of triage that Von is talking about...it happens if the minor progresses to commit more serious offenses, and when they start getting referred to family court and then they get into a situation where they are supervised by a juvenile probation officer, that is when historically they start getting those targeted services. But if we can identify them and refer them earlier on before it comes up to that level, then we stand a higher likelihood of succeeding.

Councilmember Kawakami: Thank you for enlightening us on the "Scared Straight" program because we kind of watch it and think, "Does this thing actually

even work?" I think that is the approach that we are taking holistically on criminal justice is to rehabilitate people instead of just locking them up and letting them think about it. It is shown that it does not work. So we have actually embarked on the Justice Reinvestment Initiatives (JRI) to kind of rehabilitate, so I am very supportive of this program. Thank you.

Mr. Kollar: Especially with juvenile offenders, locking them up does not do anything except teach them how to be criminals.

Councilmember Kawakami: For some of them, it is like a notch in their belt and it goes on their resume in a strange way.

Mr. Kollar: Since the JRI came through, which was right around the time I came back into the Office of the Prosecuting Attorney, rates of juvenile incarceration in Hawai'i have dropped dramatically. I think we sent two (2) kids from Kaua'i to the Hawai'i Youth Correctional Facility (HYCF) last year. We have also seen a decline in juvenile crime rates over the years. Incarceration is not something that is a meaningful sanction for somebody who is fifteen (15) to sixteen (16) years old.

Councilmember Kawakami: Thank you.

Council Vice Chair Kagawa: Councilmember Kaneshiro.

Councilmember Kaneshiro: The thing that stood out the most for me was the increase in the amount of money that we received; are we going to be able to keep that amount of money in the budget going forward? Is it a one-time thing?

Mr. Kollar: Well, if we can show them that their investment yields positive results, then that helps us when we go back last year and say, "Hey, we need you to sustain this funding." It is all about the deliverables.

Councilmember Kaneshiro: Thanks, an extra twenty-five thousand dollars (\$25,000) is huge.

Mr. Kollar: Yes, it makes a big difference to our kids.

Council Vice Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: In terms of education, I hear besides those statistics about a drop in how many youth we are incarcerating and youth crime, in fact itself, has been dropping. I heard somewhere that crystal methamphetamine use by kids has also been dropping. Is that not partly because of the education that is being done that tells them what happens to the brain? Giving them some facts about



the brain and their looks and that kind of thing that is, in fact, preventive facts that is being...that we are getting better at?

Mr. Kollar: Education helps. What has it been...about thirty (30) years now that crystal methamphetamine has been a major problem in Hawai'i, so now these kids are seeing what their uncles or aunties who got involved with that drug what it did to their lives; where I think thirty (30) years ago, they did not have that...

Councilmember Yukimura: That evidence.

Mr. Kollar: Right. So the kids see that and they do not want to end up like that. It is still a problem, but kids are not dumb.

Councilmember Yukimura: Thank you.

Council Vice Chair Kagawa: Thank you to the Office of the Prosecuting Attorney and Hale 'Ōpio.

Councilmember Yukimura: Thank you very much for the work. Very good work.

Council Vice Chair Kagawa: Thank you for all of your responses to all of the questions. Anyone from the public wishing to testify?

Mr. Mickens: For the record, Glenn Mickens. I am not sure whether you folks saw that program that you are talking about, "Scared Straight," but I saw it sometime ago and I thought it was simply outstanding. Any young kid who did something wrong, if they saw that film and want to be in with a bunch of hardened criminals to have to see what is going on, get raped or anything else—if that did not scare you, then nothing is going to, so I would highly recommend it, as they pointed out, to show that film in every school...well, at least anywhere where kids are having problems, like these particular kids are. I think it is great.

Council Vice Chair Kagawa: Anybody else wishing to speak? Joe. This is not about roads now. This is about youth and drugs. Go ahead.

JOE ROSA: For the record, Joe Rosa. What is lacking with today's youth is the word "discipline." The kids run the households today, and yet, to use the word...the "Ten Commandments"—it is a golden rule that says, "Honor Thy Father and Thy Mother." But today the kids say, "No, that is old-fashioned." I have heard it time and time again. During my upbringing days, that was the golden rule. The parents ruled the homes, but today it is different. There were some troublesome kids around the neighborhood, but where they went and was put into a

juvenile detention school/home out in the Waialae and Kahuku area in Honolulu and they were taught discipline, because when they came back, you hear their stories. You think you are tough? They put on the gloves with the next guy. Also, they had time to get up, time to eat breakfast, and time to go to school until 2:30 p.m., then they come home and change, and they go out to the farm to take care of animals and some of them farm in the taro fields. They were taught discipline and they learned to obey because that is what it does. You have to straighten them up. When the limb is bending already, you have to bring it back up and make it go in a straight line. Today, the kids always say they have their rights, but until they are still in the household until they are eighteen (18), then they are free to go wherever they want to. It is part of their upbringing. The courts are not lenient because if they are cannot be taught at home, they have to be taught somewhere else. So that is the way I look at this kind of court of law, the detention centers for kids, and job rehabilitation. The word is "discipline." You cannot let the kids run the household because they are still wet behind their ears, they have a lot to learn. If they cannot follow the rules and regulations, they are not going to follow the laws of the land. Why are rules made? That is why our jails are so full. After they cannot be straightened out, they end up in the prison cell, behind bars like a bunch of birds, confined in the jails for their good adult life. Look at the person who escaped the other day and walked out...he was twenty-nine (29) or thirty (30) years in jail and he still has not learned.

Council Vice Chair Kagawa: Joe, your traffic light is red.

Mr. Rosa: Okay, it is time to go, time to stop. Those are the kind of things that I wanted to say. They need discipline. Thank you.

Council Vice Chair Kagawa: Anyone else wishing to speak on this matter? Anyone for their second round? If not, the meeting is called back to order. Councilmembers, further discussion? Councilmember Yukimura.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Councilmember Yukimura: I appreciated the briefing today. I think it is clear that Teen Court is a highly effective program and I appreciate the work that Hale 'Ōpio is doing to keep it going and all of the people involved in it and the Prosecutor's support. I am happy to vote for this measure.

Council Vice Chair Kagawa: I just want to thank the Office of the Prosecuting Attorney and Hale 'Ōpio in doing all that they can. I know that things are not solved overnight and one size does not fit all when it comes to these kinds of issues. You can see by the testimony of our wise men here, Glenn and Joe, that is why they are loved by so many, they call it like they see it. I guess the parents in the old days did a better job of discipline. But here we are in a new day and we have to

adapt. I think we cannot do it by the old style. It is hard to rely on the old style or old way of solving our problems. The millennials are different. It is a new age and we have to try to address this problem in a different fashion. One size does not fit all.

The motion to approve C 2017-264 was then put and carried by a vote of 5:0:2 (*Councilmember Chock and Council Chair Rapozo were excused*).

Council Vice Chair Kagawa: Madame Clerk, I just wanted to let Tessie know that the intention is to take the Legal Document for the Kāneiolouma Stewardship Agreement as late as possible, because Mr. Rowe said that he is doing some volunteer work there as we speak. He said if we could to please hold it until after 10:30 a.m. I just wanted to inform you that that is the intention and if you see us skip it, that is the reason.

C 2017-265 Communication (10/30/2017) from the Director of Finance, transmitting for Council consideration, proposed amendments to Ordinance No. B-2017-821, as amended, relating to the Operating Budget of the County of Kauaʻi, for the Fiscal Year 2017-2018, by revising the amounts estimated in the General Fund, to fund renovation work, equipment, and furniture for the Kapule Building basement Information Technology (IT) area, estimated at \$140,000.00, to convert storage units into usable workspace to house the County's GIS team and address the relocation of IT staff from the Piʻikoi Building to the Kapule Building thereby providing a cohesive and consolidated IT Division: Councilmember Yukimura moved to receive C 2017-265 for the record, seconded by Councilmember Kaneshiro.

Council Vice Chair Kagawa: Any questions?

Councilmember Yukimura: Can we have a briefing?

Council Vice Chair Kagawa: Yes. The rules are suspended.

There being no objections, the rules were suspended.

Councilmember Yukimura: Thank you for being here. Can you introduce yourselves?

KEN M. SHIMONISHI, Director of Finance: Ken Shimonishi, Director of Finance.

DEL SHERMAN, Information Technology Manager: Del Sherman, Information Technology (IT) Manager.

Councilmember Yukimura: I think work space and work place is so important to an efficient and effective workforce, so I am pleased that this is being proposed. I just wanted to be clear in terms of what you are proposing. I have been down there and I have seen how crowded it is, people are on top of each other almost. I am glad that you are thinking of making improvements and it sounds like you are consolidating.

Mr. Shimonishi: That is correct. Actually, I am just kind of the window dressing. This is, in fact, the initiative put forth by our IT Manager Del Sherman, so I will have him explain the proposal and answer any questions that you may have regarding that.

Councilmember Yukimura: Please.

Mr. Sherman: Years ago, our IT staff used to be all located together, but probably about a decade ago now, it grew to the point where there was no longer enough space for them to be co-located, so they were split up and currently exists as a Help Desk staff and development staff in two (2) different locations. When you were down and saw where we are working, that is just a portion of the total IT staff. There are five (5) additional people that are elsewhere in the Pi'ikoi Building. I want to bring everyone together so we can function better as a team and this proposal will accomplish that.

Councilmember Yukimura: So you are moving everybody into the basement of the Kapule Building?

Mr. Sherman: That is correct and only "basement" from the perspective that it is lower than the rest of the building, but it does not really have a feel of a basement. It is a very nice office working area that has a lot of the infrastructure that is needed to support office workspace, so not much revocation required as far as air conditioning and that kind of thing.

Councilmember Yukimura: I noticed that in your cover letter, you said that by approving this, we will be approving the equipment purchases that are being made as part of this renovation.

Mr. Sherman: There is some equipment associated with this, mostly furniture and some other infrastructure type of thing, but it is all part of this package. Once this is complete, there will be nothing else required to make that a workable space.

Councilmember Yukimura: Thank you.

Mr. Sherman: You are welcome.

Council Vice Chair Kagawa: Further questions? I just have one. When they all relocate to the basement, who is going to occupy the space that is now there and what is the planned use for that?

Mr. Shimonishi: That is yet to be determined, but obviously that would free up real estate or usable office space immediately in that corner of the Pi'ikoi Building, but as far as actual decisions as to what department or what division that may occupy it, we have not made that decision as of yet.

Council Vice Chair Kagawa: So what you are saying is that there are departments that perhaps are working in tight quarters that could possibly move and be more effective or efficient?

Mr. Shimonishi: For sure.

Council Vice Chair Kagawa: You just have not decided what department or division will move?

Mr. Shimonishi: That is correct.

Council Vice Chair Kagawa: So there is a planned use, we are not going to just vacate it?

Mr. Shimonishi: No, it will be occupied.

Council Vice Chair Kagawa: Okay. Thank you. Councilmember Yukimura.

Councilmember Yukimura: I noticed that you mentioned the Geographic Information System (GIS) team, which I presume will play an increasingly important role with this Land Information Management System that is coming onboard?

Mr. Sherman: Yes, it will be absolutely critical. Right now, there is not a workspace where that entire team can come together, so this will accomplish that, too, and that will be vital towards supporting these limbs that we are undertaking to make that project successful. We want them to be able to collaborate together, not just amongst the small GIS group, but with support of other IT staff as well.

Councilmember Yukimura: Okay. Very good. Thank you.

Mr. Sherman: You are welcome.

Council Vice Chair Kagawa: Thank you. Further questions? If not, thank you very much. Anybody from the public wishing to speak on this? If not, the meeting is called back to order. Members, further discussion?

There being no objections, the meeting was called back to order, and proceeded as follows:

Councilmember Yukimura: I just want to say I think we all understand how important workspace is to efficient and effective work, so I appreciate the initiative from the IT Division because they affect every County department and they are important to all of us, so it is important that they have well-functioning space. Thank you.

Council Vice Chair Kagawa: Thank you. For me, I appreciate the IT Division trying to improve. What I just want to make sure is that from the legislative side, we convey the message to the Administration that when you do these moves, make sure that you do it thoughtfully and make sure that we are not just moving, and then next year we are going to move back. I just want to make sure that we think it out so that we do not put in the time and effort and then end up retracting when we perhaps have another mayor in and priorities change. I want to make sure that when we make the changes that it is well-thought-out and that taxpayers can say, "Great job. Nice, efficient move."

The motion to receive C 2017-265 for the record was then put, and carried by a vote of 5:0:2 (*Councilmember Chock and Council Chair Rapozo were excused*).

C 2017-266 Communication (11/01/2017) from the Managing Director, transmitting for Council consideration for inclusion in the 2018 County of Kaua'i Legislative Package, relating to Capital Improvement Projects (CIP), A Bill For An Act Authorizing The Issuance Of General Obligation Bonds And Making An Appropriation For Kaua'i Fire Department Helicopter Hangar (Design and Construction) (\$1,000,000.00) And Transit-Ready Development Pua Loke Affordable Housing (Design and Construction) (\$1,500,000): Councilmember Kaneshiro moved to approve C 2017-266, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion? Questions?

Councilmember Yukimura: This is what was considered in committee, right?

Council Vice Chair Kagawa: Yes.

Councilmember Yukimura: Okay.

Council Vice Chair Kagawa: Are you good?

Councilmember Yukimura: Yes. Hopefully...that is okay.

Council Vice Chair Kagawa: Say it. Just kidding. Anybody from the public wishing to speak on this matter? Go ahead. We had the discussion in the committee. Can you state your name?

TESSIE KINNAMAN: Tessie Kinnaman, for the record. I was purging out some papers and I came across...let me come back and get those papers...

Council Vice Chair Kagawa: We are going to pause your time for you.

Ms. Kinnaman: I came across this Department of Transportation State Transportation program, 2011-2014 and 2015-2016, but I was wondering if this has any relevance to including this and to this legislative package as related also to the first item on today's agenda. If you turn to page number 7, that is the one I was concerned about, the second to the last page, and it is number...the second one, "The Northerly Leg of the Western Bypass Road." I know a few years back, Donald Fujimoto, who was one of the directors, and he had presented this to the Council as part of a package and it was not followed through with, but I think now is the right time. If it had gone through back then, ten (10) years, 2010, I think we would have started construction by now. Just to be proactive, I would like to see this at least come to fruition in the 2018 Legislative Package, if it is approved. There have been a lot of accidents on that intersection. My sister folks had the house above the hill there and I sit on the *lānai* and I watch the traffic three (3) times a week. So far, there has been one (1) death and I hope you know which intersection I am talking about...it is the Kukui'ula bypass and Kōloa Road, so it is the "T" intersection, just before Hadama Service Station. That intersection is where it has been nasty and getting nastier because traffic is getting more plentiful on the west side. Coming down the hill from Lāwa'i to that intersection, people speed. When they come around that corner and the person coming out of Kalanikaumaka, they are at the stop sign there and it is hard to gauge the distance between the cars. So a lot of times, the person stopped at the intersection will jump ahead. Anyway, it is a mess down there if you want to take the time to check it out. There has been one (1) death already and there have been more accidents on that intersection than Kōloa Town, and Kōloa Town is pretty congested. I thought I would bring this up and see if it could be included in this Legislative Package. Thank you.

Council Vice Chair Kagawa: You have a clarifying question.

Councilmember Yukimura: Tessie, how do you see this particular project as solving the problem?

Ms. Kinnaman: For one thing, I think the design is going to be a roundabout there, so it will at least have everybody move through the traffic calmly. Then this intersection is supposed to hook up with Maluhia Road over there with Ala Kinoiki, and then hopefully another roundabout there. I look forward to a lot of roundabouts in Kōloa. At least it will be calmer. I see and hear about the traffic on the east side and it is nasty, real bad. We do not want to get that bad because already all of the resorts are going gangbusters, building over there.

Councilmember Yukimura: This project is just the design of that bypass, so it will be years before you actually get to construction. Maybe we should just put in a roundabout there.

Ms. Kinnaman: That would be good, too.

Councilmember Yukimura: That might be a cheaper, faster way.

Ms. Kinnaman: According to this, it is in design and construction, I think, if I am reading it correctly and an Environmental Impact Study (EIS) has been done on it, because there is Pō'ele'ele Stream there. An EIS has already been done on it because there is a bridge that needs to go across that little stream.

Council Vice Chair Kagawa: If I look at your paper, it says two million dollars (\$2,000,000) for the plan and design and it is twenty-one million dollars (\$21,000,000) for the construction. I guess Donald and the State had worked on that plan, but I do not know what happened to it.

Councilmember Yukimura: I do not know how you could do an EIS without a plan.

Ms. Kinnaman: Well, as far as I know, that has been completed.

Council Vice Chair Kagawa: Yes, I think if we want to get deep into this discussion about this, and this is not really on the agenda, so I can put it on and we can have the Department of Public Works discuss that at a later date because I do not think they are ready right now to discuss that. We probably need to see the maps and everything and get abreast of what that project is. Thank you for bringing it up.

Ms. Kinnaman: Thank you.

Council Vice Chair Kagawa: Any further testimony on the package? The meeting is called back to order. Members, do you have any further discussion? Councilmember Kawakami.



There being no further testimony, the meeting was called back to order, and proceeded as follows:

Councilmember Kawakami: Thank you, Vice Chair. I want to applaud Tessie for being able to actually find this earmark that was put aside. I think the appropriate vehicle to advocate for this particular project is to work with the representative in that district, so it would be Representative Morikawa. It happens all of the time, even for some of the traffic solutions in Kapa'a. It was constituents who came and said, "Hey, we really want to push for this particular project" and that is how we were able to get it on the priority list. I think in this case at this stage of the game, it would be worthwhile to reach out to the district representative and the senator and say, "Hey, where is this as far as a priority? What has been done with the two million dollars (\$2,000,000) appropriated? What is the likelihood of twenty-one million dollars (\$21,000,000) being appropriated for construction?" That is a pretty big amount when you consider a statewide budget for highways and road improvements.

Council Vice Chair Kagawa: Thank you. Councilmember Brun.

Councilmember Brun: Tessie brought up a good point with the roundabout, and with my new love for roundabouts, I would love to see one there. Good job, Tessie.

Council Vice Chair Kagawa: Further discussion? Councilmember Yukimura.

Councilmember Yukimura: As I said in the dialogue with Tessie, because it seems like a pretty urgent or present problem, maybe DPW could look at just doing a roundabout there or some way to improve the intersection so that it is not as problematic.

Council Vice Chair Kagawa: I want to thank Tessie. I think just looking proactively, you are not going to stop more tourists from going there. We see that Kōloa Landing Resort just came up and so much development and so much new stores. We even got a new steakhouse that opened there in Kukui'ula Shopping Center...what is it called? Hy's? Oh yes, Ruth's Chris, I am sorry. That place has just really developed and we have to improve infrastructure when you have so many more people going in there. We have to be proactive. Like Councilmember Kawakami mentioned in the past, I think it takes a collective effort, because if Representative Morikawa is so fortunate to get it in, we have to make sure that at the County we are ready to do it on our end, because if we let that money go, then Representative Morikawa does not look good to her fellow constituents. Perhaps, we can have that on the agenda and we can see if the County can, in fact, carryout that project and

what it would cost to make sure that the numbers jive and it fits our priority to do as well.

The motion to approve C 2017-266 was then put, and carried by a vote of 5:0:2 (*Councilmember Chock and Council Chair Rapozo were excused*).

Council Vice Chair Kagawa: Next item.

C 2017-267 Communication (11/03/2017) from the County Attorney, requesting authorization to expend additional funds up to \$25,000.00 for Special Counsel's continued services provided to represent the interests of the County as bond counsel for the issuance of General Obligation Bonds (2017 series) for the County, and related matters.

Ms. Fountain-Tanigawa: Vice Chair, for C 2017-267, we do have an Executive Session on this item, so we can skip it for now.

Council Vice Chair Kagawa: Okay. Thank you.

Ms. Fountain-Tanigawa: We are on Legal Documents.

#### LEGAL DOCUMENTS:

C 2017-268 Communication (10/18/2017) from the Executive on Aging, requesting Council approval of a Mediware Human & Social Services, Inc. Master License and Services Agreement made between Mediware Human & Social Services, Inc., and the County of Kaua'i Agency on Elderly Affairs; to expend a total amount of \$11,750.00 for software and three (3) six-hour sessions of instructor-led on-site training that assists staff in preparing reports and analyzing data focusing on topics related to Social Assistance Management System (SAMS), National Aging Program Information System (NAPIS), State Reporting Tool (SRT), and Harmony Advanced Reports (HAR); and indemnify Mediware Human & Social Services, Inc.: Councilmember Yukimura moved to approve C 2017-268, seconded by Councilmember Kaneshiro.

Council Vice Chair Kagawa: Any questions? Anyone from the public wishing to speak on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: I just want to say that the Agency on Elderly Affairs has always done really good planning and has also tracked their statistics very well. I wish all departments and divisions were like them. So to have this management software that further increases their capacity to track and to manage is very good. Knowing their track record, I have no questions and I am happy to support this proposal.

Council Vice Chair Kagawa: Further discussion? For me, I agree with Councilmember Yukimura and I want to thank Kealoha for her great work. I want to give my one hundred percent (100%) support of her management.

The motion to approve C 2017-268 was then put, and carried by a vote of 5:0:2 (*Councilmember Chock and Council Chair Rapozo were excused*).

Council Vice Chair Kagawa: Next item, please.

Ms. Fountain-Tanigawa: For C 2017-269, shall we move it for Mr. Rowe?

Council Vice Chair Kagawa: Yes, please.

Ms. Fountain-Tanigawa: We are on page number 6, Claim.

There being no objections, C 2017-270 was taken out of order.

CLAIM:

C 2017-270 Communication (10/27/2017) from the County Clerk, transmitting a claim filed against the County of Kaua'i by GEICO Insurance, as subrogee for Claire Curley, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i: Councilmember Kaneshiro moved to refer C 2017-270 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Yukimura.

Council Vice Chair Kagawa: Questions? Anyone from the public wishing to speak on this?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to refer C 2017-270 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of 5:0:2 (*Councilmember Chock and Council Chair Rapozo were excused*).

Council Vice Chair Kagawa: Next item, please.

COMMITTEE REPORTS:

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE:

A report (No. CR-EDIR 2017-07) submitted by the Economic Development & Intergovernmental Relations Committee, recommending that the following be Received for the Record:

“C 2017-249 Communication (10/02/2017) from Councilmember Kawakami, requesting the presence of the Mayor, to provide a briefing on the Administration’s priorities for the 2018 Legislative Session, beginning the dialogue regarding other potential County priorities and formulating the 2018 Kaua’i County Legislative Package,”

Councilmember Kawakami moved for approval of the report, seconded by Councilmember Kaneshiro.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and carried by a vote of 5:0:2 (*Councilmember Chock and Council Chair Rapozo were excused*).

Council Vice Chair Kagawa: Next item.

BUDGET & FINANCE COMMITTEE:

A report (No. CR-BF 2017-24) submitted by the Budget & Finance Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2669 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII,

FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND AND HIGHWAY FUND (*TAT Revenue and Island Wide Resurfacing - \$1,450,000.00*),”

Councilmember Kaneshiro moved for approval of the report, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and carried by a vote of 5:0:2 (*Councilmember Chock and Council Chair Rapozo were excused*).

Council Vice Chair Kagawa: Thank you. Next item.

Ms. Fountain-Tanigawa: Vice Chair, this brings us to Resolutions.

#### RESOLUTIONS:

Resolution No. 2017-55 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BUILDING BOARD OF APPEALS (*Michael Y. Nagano – Fire Safety*): Councilmember Yukimura moved for adoption of Resolution No. 2017-55, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none, roll call.

The motion for adoption of Resolution No. 2017-55 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Kaneshiro, Kawakami, Yukimura, Kagawa	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Resolution No. 2017-56 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (*Mary E. Tudela*): Councilmember Yukimura moved for adoption of Resolution No. 2017-56, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none, roll call.

The motion for adoption of Resolution No. 2017-56 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Kaneshiro, Kawakami, Yukimura, Kagawa	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Resolution No. 2017-57 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF REVIEW (*Donald G. Kolenda*): Councilmember Yukimura moved for adoption of Resolution No. 2017-57, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none, roll call.

The motion for adoption of Resolution No. 2017-57 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Kaneshiro, Kawakami, Yukimura, Kagawa	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Resolution No. 2017-58 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF REVIEW (*Julie B. Caspillo*): Councilmember Yukimura moved for adoption of Resolution No. 2017-58, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none, roll call.

The motion for adoption of Resolution No. 2017-58 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Kaneshiro, Kawakami, Yukimura, Kagawa	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Resolution No. 2017-59 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Carol E. Suzawa*): Councilmember Yukimura moved for adoption of Resolution No. 2017-59, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none, roll call.

The motion for adoption of Resolution No. 2017-59 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Kaneshiro, Kawakami, Yukimura,	
	Kagawa	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Resolution No. 2017-60 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Jeffrey S. Iida*): Councilmember Yukimura moved for adoption of Resolution No. 2017-60, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none, roll call.

The motion for adoption of Resolution No. 2017-60 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Kaneshiro, Kawakami, Yukimura,	
	Kagawa	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Resolution No. 2017-61 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Richard J. Jose*): Councilmember Yukimura moved for adoption of Resolution No. 2017-61, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.



There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none, roll call.

The motion for adoption of Resolution No. 2017-61 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Kaneshiro, Kawakami, Yukimura,	
	Kagawa	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Resolution No. 2017-62 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE COST CONTROL COMMISSION (*James D. Whitfield*): Councilmember Yukimura moved for adoption of Resolution No. 2017-62, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none, roll call.

The motion for adoption of Resolution No. 2017-62 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Kaneshiro, Kawakami, Yukimura,	
	Kagawa	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Resolution No. 2017-63 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE COST CONTROL COMMISSION (*Tricia-Lynn K. Yamashita*): Councilmember Yukimura moved for adoption of Resolution No. 2017-63, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none, roll call.

The motion for adoption of Resolution No. 2017-63 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Kaneshiro, Kawakami, Yukimura, Kagawa	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Resolution No. 2017-64 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Linda K. Ka’auwai-Iwamoto*): Councilmember Yukimura moved for adoption of Resolution No. 2017-64, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none, roll call.

The motion for adoption of Resolution No. 2017-64 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Kaneshiro, Kawakami, Yukimura, Kagawa	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Resolution No. 2017-65 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Alfred Levinthol*): Councilmember Yukimura moved for adoption of Resolution No. 2017-65, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none, roll call.

The motion for adoption of Resolution No. 2017-65 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Kaneshiro, Kawakami, Yukimura, Kagawa	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Resolution No. 2017-66 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Shirley T. Akita*): Councilmember Yukimura moved for adoption of Resolution No. 2017-66, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none, roll call.

The motion for adoption of Resolution No. 2017-66 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Kaneshiro, Kawakami, Yukimura, Kagawa	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Resolution No. 2017-67 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Gerald S. Matsunaga*): Councilmember Yukimura moved for adoption of

Resolution No. 2017-67, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: I have some discussion. On his first appointment to the Liquor Control Commission, Judge Matsunaga was recommended to the commission to clear up some of the language and help the Liquor Control Commission and really felt that he would be valuable to help them get those things that the Liquor Control Commission saw as being important done, and I have a conversation with him and he said that he has accomplished all that he needed to accomplish with the Liquor Control Commission and has really been wanting to serve on the Police Commission, because he felt that he could really help improve KPD. I made that request to the Mayor and the Mayor acknowledged that he would be a very useful person on the Police Commission and we know that we have had some problems with KPD, which one was just last week, and I think a man of his integrity and knowledge definitely can help KPD going forward and I hope that when an opening does open that the Mayor will seriously consider Judge Matsunaga, somebody who is willing and able and knows that he can help KPD improve some of the problems of the past. Please, take my advice and have a conversation with him and let us find an opening that perhaps can suit Mr. Matsunaga in his need and want to help KPD for the County of Kaua'i. With that, I will suspend the rules and have Paula come up.

There being no objections, the rules were suspended.

PAULA M. MORIKAMI, Boards and Commissions Administrator: Paula Morikami, Office of Boards and Commissions. I have spoken to Gerald and he is still deciding whether or not he wants to leave the Liquor Control Commission and go to the Police Commission. He did attend the last Police Commission meeting to see how it went, so we are waiting for him to make a decision. We have had discussions with him.

Council Vice Chair Kagawa: Thank you. So maybe I spoke to him a while ago then, it may have been about six (6) months. I want to thank Paula and the Mayor for looking into that. Any further discussion on that? Roll call.

There being no objections, the meeting was called back to order, and proceeded as follows:

The motion for adoption of Resolution No. 2017-67 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Kaneshiro, Kawakami, Yukimura, Kagawa	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Resolution No. 2017-68 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Roy K. Ho – Labor*): Councilmember Yukimura moved for adoption of Resolution No. 2017-68, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none, roll call.

The motion for adoption of Resolution No. 2017-68 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Kaneshiro, Kawakami, Yukimura, Kagawa	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Resolution No. 2017-69 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Kimo M. Keawe – Environmental*): Councilmember Yukimura moved for adoption of Resolution No. 2017-69, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: I just have a comment. I watch the Planning Commission from time-to-time before I go to sleep and I have been very impressed with Mr. Keawe. In fact, also impressed with the Planning Commission as a whole. I think they are doing a good job and I just want to state that for the record. Seeing no further discussion, roll call.

The motion for adoption of Resolution No. 2017-69 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Kaneshiro, Kawakami, Yukimura,	
	Kagawa	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Resolution No. 2017-70 – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE SALARY COMMISSION (*Robert B. Crowell*): Councilmember Yukimura moved for adoption of Resolution No. 2017-70, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none, roll call.

The motion for adoption of Resolution No. 2017-70 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Kaneshiro, Kawakami, Yukimura,	
	Kagawa	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Resolution No. 2017-71 – RESOLUTION CONFIRMING COUNCIL REAPPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Jett J. Jasper – At-Large*): Councilmember Yukimura moved for adoption of Resolution No. 2017-71, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none, roll call.

The motion for adoption of Resolution No. 2017-71 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Kaneshiro, Kawakami, Yukimura, Kagawa	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Vice Chair Kagawa: Next item.

Ms. Fountain-Tanigawa: The next item is Bill For First Reading.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2676) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Information Technology Space Relocation/Renovation - \$140,000.00*): Councilmember Yukimura moved for passage of Proposed Draft Bill (No. 2676) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for December 20, 2017, and referred to the Budget & Finance Committee, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Seeing none, roll call.

The motion passage of Proposed Draft Bill (No. 2676) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for December 20, 2017, and referred to the Budget & Finance Committee was then put, and carried by the following vote:

FOR PASSAGE:	Brun, Kaneshiro, Kawakami, Yukimura,	
	Kagawa	TOTAL – 5,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: The next item is Bill For Second Reading.

BILL FOR SECOND READING:

Bill No. 2669 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND AND HIGHWAY FUND (*TAT Revenue and Island Wide Resurfacing - \$1,450,000.00*): Councilmember Yukimura moved to approve Bill No. 2669 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Brun.

Ms. Fountain-Tanigawa: Vice Chair, we have two (2) registered speakers, Glenn Mickens followed by Joe Rosa.

Council Vice Chair Kagawa: Thank you. I will suspend the rules.

There being no objections, the rules were suspended.

Mr. Mickens: For the record, Glenn Mickens. You have a copy of my testimony. Let me read it for the viewing public: “At last week’s committee meeting, Mike Tresler and Lyle Tabata kept talking about a shortage of funding for our roads and the need to come back for another three million five hundred thousand dollars (\$3,500,000) before being able to go out to bid. Again, no one has shown me where our County has confirmed to the Pasion audit, done in August 2012, showing where huge savings could have been made, money that was designated, the gas registration weight and utility fees for roads. But as the audit showed, it was comingled for use of other needs. Councilmember Kaneshiro said that I have brought up this roads audit up many times before and he believed that the audit had been addressed. Yes, he is right. I have previously brought this issue before you, but with all due respect, I do not believe it has ever been on the agenda and had public testimony. Remember that the audit was done over five (5) years ago and had those



in power address it, our roads would be greatly improved by now, but obviously they have only deteriorated more. I was told to ask Public Works the questions that I asked before and I am still asking before this Council, but I take great exception of that since it is not my job to see what problems are not corrected. We, members of the public, like Jerome Freitas and Joe Rosa, find faults that need correcting, but only this Council and the Administration have the power to see that corrections are made. It is also said that we are only repaving every two (2) years instead of an one-year basis. But why have we gone to a two-year system when our roads are worse than they were when paved each year? Obviously, until we give Ed Renaud and his crew more funds for resurfacing and make sure that we get the proper amount of asphalt concrete (AC) we are paving for—not like the illegal piece I showed you many, many times—our roads will continue to be in bad shape. Again, we do not need more taxes to do this job, only to adhere to the recommendations that Ernie's audit showed. On your Islandwide Resurfacing list, you showed that the total cost of repaving Olohena Road, about five (5) miles long, is about three million five hundred thousand dollars (\$3,500,000). One portion above Kamalu is about two (2) miles long and cost for it is two million dollars (\$2,000,000). It has not been done in over twenty (20) years and part of it will need serious reconstruction if done properly, as huge tree roots under the road have to be removed. To do the other three (3) miles for one million four hundred thousand dollars (\$1,400,000) sounds low, but I bow to the expertise of Ed and his crew. Thus, I have only two questions: repave and resurface the way Larry Dill mandated by American Association of State Highway and Transportation Officials (AASHTO) or Hawai'i Asphalt Paving Industry (HAPI) standards, we do that; and two, we make sure that recommendations made by..."

Council Vice Chair Kagawa: Glenn, your three (3) minutes are up.

Mr. Mickens: I am almost done. I have one sentence left.

Council Vice Chair Kagawa: You can finish up.

Mr. Mickens: "...we make sure that the recommendations made by Ernie's audit are conformed to so that the waste and use of designated funds are properly used." Thank you.

Council Vice Chair Kagawa: Thank you, Glenn. Next speaker.

Ms. Fountain-Tanigawa: The next speaker is Joe Rosa.

JOE ROSA: For the record, Joe Rosa. We have the same music going on and on about the roadways and whatever. The money that is allocated by way of vehicle weight, gas tax, and everything else...usually, it is supposed to be going for the highways. Whether it is new highways or resurfacing of highways, it is overall maintenance. It is high time that the County stop finagling the money that

is due for the purposes that the people are taxed for. We pay the gas tax and the vehicle tax and all of that. It is for the maintenance of the highways. Every year, the County is adding more and more miles to the highway system, and yet, they are not properly maintained. When Ernie made that audit when he asked me about paving and the procedures and all of that...I am not an engineer, but a lot of the things...I see in the County because I was on two (2) jobs with the County and they did not do the proper things that needed to be done by the inspector on the initial paving of the roads. So who is to blame? It is people that do not know the job and are not qualified for it. When I applied for a civil service job with the State of Hawai'i, there were minimum qualifications that we had to be qualified with. The County has inspectors that are not even certified (inaudible). With the State Department of Transportation, you have to be certified. Those are the kind of things that the County lacks about how the workers are qualified for the position. With the County, it seems to be "who you know," not "what you know" as far as the work to be done. Who is to blame? It boils down in the hiring procedure, the Civil Service Commission that you have. We had strict qualifications before any position was made available and you thought about it, you had to get certified. I was a certified (inaudible) and a certified technician for the use of (inaudible) fabrics on the state highway. I had to go to seminars to better myself and to know the job, so we do not have costly repairs. It is high time that the people know that the money has been finagled from the gas tax for bikeways and all that kind of stuff. It is not solving the traffic problem. The number one priority year-in and year-out is highway infrastructure, and yet, the County has not come up to for the ten (10) years that they lapsed when the bike path was going on. Stop fooling around with the money and use the money for what it is supposed to be used for.

Council Vice Chair Kagawa: Thank you, Joe.

Mr. Rosa: Thank you.

Council Vice Chair Kagawa: Anyone else? Mr. Freitas.

JEROME FREITAS: Vice Chair Ross Kagawa, Councilmembers, and staff, my name is Jerome Freitas. I have been hearing about the roads for many, many years, a lot of talk, every year. Like you stated a couple of times, take care of our roads first, right? Like I said, Rice Street is a done deal, right? It is kind of hard to do anything about it. But the Council has the power to do it and they can stop it. Take care of your roads first and think of the public. We pay quite a bit of vehicle weight taxes. I checked that out and I think in the last three (3) or four (4) years, they collected almost twenty-two million dollars (\$22,000,000). What happened to all of that money? How much miles of road did they pave in the last four (4) years? I want an estimate and some answers back. How much roads did they pave in the past four (4) years and how much was the amount? I want it black and white. Ernie

Pasion's audit that he made...Councilmember Kaneshiro, remember you said they went through the audit, right? Who did you talk to on that?

Council Vice Chair Kagawa: He cannot answer your question during your testimony. He can answer after you are finished talking.

Mr. Freitas: Okay. Anyway, we have to get our act together. There is a lot of talk. This is not about raising the taxes, right? That is a different time, right?

Council Vice Chair Kagawa: So at the 1:30 p.m. public hearing, you can talk about that.

Mr. Freitas: Okay. I do not know how much miles they pave every year, but from the past four (4) years, I wanted to find out how much miles they paved and the amount. My time is up. They have to start fixing the roads because the roads are real bad, from end to end. Thank you very much for the opportunity to speak.

Council Vice Chair Kagawa: Anyone want to speak for the second time? I think a lot has been said about Councilmember Kaneshiro reading the audit, but all he said was that he read it. You folks seem to be picking on him about that, but he just read the audit.

Mr. Mickens: Thank you, Councilmember Kaneshiro. I am glad you read it. For the record, Glenn Mickens. Ken was good enough to give me this copy of our revenue and our expenditures for our roads and where the money is going, and I do not know if you folks have seen it or not, but it is interesting. Mostly from the gas, weight, and franchise fees, we took in a total of forty-six million two hundred forty-one thousand four hundred sixty-six dollars (\$46,241,466). We spent, according to the expenditures, forty-one million one hundred ninety-two thousand nine hundred forty-five dollars (\$41,192,945). The majority of the income was supposed to go the roads repaving, but as the former auditor pointed out, the money was comingled. We have not found out...maybe we have...I do not know...that is what I am trying to find out...whether we have taken that audit and found out exactly what the recommendations were that we were abiding by it. That is all. I have not been able to find the answer to that yet. To take in that forty-six million two hundred forty-one thousand four hundred sixty-six dollars (\$46,240,466), which most of it was supposed to be going towards our roads, we are paving about one million two hundred thousand dollars (\$1,200,000) of that money for our roads each year. Larry was right; we should be paving every two (2) years if the system were right. That would save money in the long-run by having our equipment and everything for two (2) years, but it is not working or it has not worked because I do not think it has been done. Have we gotten the Administration to give us an accounting? Like Joe is asking, how much

is it costing for our roads? I think it is something two hundred fifty-three thousand dollars (\$253,000) a mile or something to repave our roads. The numbers just do not seem to add up here. I appreciate the job you folks are doing. It is a tremendous job. I am zeroing in on one subject when I come here to testify, basically traffic/roads. You folks have all of these other subjects to look at. I think it would be right for you folks to be full-time instead of a part-time to get the proper salary to be able to do this. I know that you are investigating a lot of stuff now, but I know what a job you folks have got in trying to do these things. There is not enough time in the day. Councilmember Yukimura, I know that you do not have enough time in the day because you are running all over the place doing things, probably the busiest person on this Council. For the money you folks are making and you see other people making one hundred ten thousand dollars (\$110,000) a year and stuff, something is wrong with the system. I just want you to know that I do not want to sit here and just sound like the biggest complainer in the world, but I just want you to know how I feel. Thank you very much.

Council Vice Chair Kagawa: Thank you, Glenn. Anyone else? Please come up. The plan is after this item, we will take a ten-minute caption break and then we will go to the Legal Document for Kāneiolouma Stewardship Agreement.

Mr. Rosa: As I was saying, this was going to be the summary of my first testimony that I gave. Five (5) years ago, we, the voters of Kaua'i, voted to have a County Auditor, but yet, the County Auditor did not have much to say. He was under the control of the Mayor and I know when I voted my first year back in 1952, I voted for a County Auditor and those County Auditors at that time used to be voted by the people. Yet, it came back that they wanted a County Auditor. That is how the vote was by way of the Charter. Now, I understand that there is word going around that they want to change the Charter and abolish the position of the Auditor. You cannot just do that by the Mayor; it has to go again by way of the Charter. What is going on? Why do they not just put it back where you elect the Auditor, then he will not be under the strings of the Mayor. Then you know that they will do an honest job because they are not going to be ones that go to jail because the Mayor got involved in something that was illegal. I would not like to go the jail for somebody else's finagling of funds and stuff. I would like to be a free man. Make that position, if it comes out in the Charter, to be an elected position, like it was in the past, instead of all this kind of hanky-panky stuff going on. A mayor is going to say, "I want that money. You transfer that and take care of that." That is the problem that we have: honesty and being accountable for money. We, the taxpayers of Kaua'i, are paying for it. Yet, you go and finagle the thing...priority for a bike lane that is hardly being used and without the ability to upkeep, according to the article in the paper, thanks to "Da Shadow." Where are all the promises that were made by the committee that said they were going to keep the (inaudible) and everything? That was a lot of hogwash. Why waste more money? Doug Haigh said that it would ease the traffic situation; it is still a bottleneck. Who is trying to pull

the blinds over? The taxpayers are not blind. We all see this. That is why I go out in the public and they all say, "I am glad that you tell things the way it is because honesty is the best policy."

Council Vice Chair Kagawa: Your light is red, Joe.

Mr. Rosa: That is the way it is.

Council Vice Chair Kagawa: Thank you.

Mr. Rosa: Think about it.

Council Vice Chair Kagawa: Thank you. Joe, I apologize, and I apologize to the Mayor because I should have stopped you when you talked about that issue because that is not on the agenda. This is not the time when you see any item on to talk about any subject. We have to stick to the agenda, gentlemen. I have the highest respect for you guys, but you cannot just go off and talk about something that is on the agenda. We are not allowed to and neither is the public. We have to stick to the agenda item. Thank you. Any further testimony from the public? Seeing none, the meeting is called back to order. Councilmember Yukimura.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Councilmember Yukimura: First of all, I think that the audit was on the agenda where there was discussion of it. In terms of commingling, at least when I was mayor, both Solid Waste and Roads were done together. There was no Solid Waste crew and Roads crew. They were done by the same people, and over the years, that has been separated out. I think the final separation came after Ernie's audit report. So there has been action to follow-up on the audit recommendations. As far as the AASHTO and HAPI standards, these were instituted when Larry Dill was here and I believe they are still being followed. Those are two examples of how the audit recommendations were followed and implemented. We are better for the audit and we also acknowledge the Administration and thank them for implementing the audit recommendations.

Council Vice Chair Kagawa: Councilmember Kaneshiro.

Councilmember Kaneshiro: I guess I never heard my name called so much in public testimony from something that I said, but the audit was done in 2012 and there have been meetings on it in 2013 and 2014. Without reciting the entire audit, I think the main gist was in the Audit Findings was that the planning and methodology were weak and the proper use in categorization of funding was not there. When it comes to planning and methodology, their findings were road selection

process and analytical assessment was not done; they said that decisions were not based on needs and priorities. These have been addressed, we have seen it. Anytime we ask for roads information, they have the whole system that shows what roads need to be done, when they need to be done, what the recommended repair or solution is, what the cost is, and they have the system in place now for this. Maybe in the past, prior to the audit, they were doing roads based on who asked them for a road first, but I think in my time here, we have been getting these huge documents that have over ten (10) years' worth of where our roads need to be done and when they need to be done. I do believe it has been addressed based on the audit. Another main thing was manpower shortages and I have not heard the Administration come up and say that we are short on men. I have been hearing that they are short on money. That is the reason roads cannot get done. It costs money to do roads. On the second finding, proper categorizing of expenses, we have done that, they have done that. They have split all of the expenses and they are spending it properly. I think in the past we were even bond funding repairs, which I would love to do now, but it is not something you can do. So that lessens the amount of money we have available to do roads. My comment last week was if they are not following a procedure today, let us know and we will send a letter over to the Roads Division and say, "Why are you not following this or that?" That was my main point. From my perspective, they have resolved a lot of issues that came up in the audit and I am happy with it. Again, if they are not doing something right, then let us know. From my understanding, they have been following it.

Council Vice Chair Kagawa: Further discussion? I know that there is a lot of frustration about how we performed in the past and whether mistakes were made. It is kind of basic. We had a lot of roads for many years...fifty (50), sixty (60), seventy (70) years...and I think in the old days, when the road got bad, we just put another layer on it and naturally, if there are underlying problems underneath, then that resurfacing that you have pointed out many times, if you do not do it right, then you will have grass growing through the roads, so I think now with the new studies we have, it is showing how much the actual cost is to fix it and it is quite overwhelming because we do not have the funds to do many roads. Now, it is just a few roads and a lot of money is going to a few roads, but that just shows how much need is actually out there, because to do the total fix is costlier than in the past when we could just repave over the existing road and just keep going higher and higher and the roads will not last as long because you are not fixing the base. It is not an easy problem to fix. Hopefully we are going to be making strides soon and do it the right way, like you holding that piece of road there right in your hand, Glenn. I see it. Anybody have further discussion? Seeing none, roll call.

The motion to approve Bill No. 2669 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Brun, Kaneshiro, Kawakami, Yukimura, Kagawa	TOTAL – 5,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Vice Chair Kagawa: We will take a caption break.

There being no objections, the meeting recessed at 11:01 a.m.

The meeting reconvened at 11:15 a.m., and proceeded as follows:

Council Vice Chair Kagawa: Clerk, can we have the next item?

Ms. Fountain-Tanigawa: Vice Chair, on page number 5, this brings us to C 2017-269.

There being no objections, C 2017-269 was taken out of order.

C 2017-269 Communication (10/27/2017) from the County Attorney, recommending Council approval of an Adopt-A-Park Agreement for stewardship of a portion of Kane-I-Olo-Uma Heiau Complex Po'ipū Beach Mauka Preserve, Tax Map Key (TMK) (4) 2-8-17:13, 14, and 24, to allow Hui Mālama O Kaneiolouma to continue the stewardship of Kaneiolouma, in partnership with the County of Kaua'i, for another twenty (20) years from the date of execution of the amendment.

- Adopt-A-Park Agreement Amendment 1

Councilmember Kaneshiro moved to approve C 2017-269, seconded by Councilmember Yukimura.

Council Vice Chair Kagawa: I will suspend the rules. May you please come up? We have three (3) chairs. Do we need the County Attorney? No? Okay. You may begin.

There being no objections, the rules were suspended.

LEONARD J. RAPOZO, Jr., Director of Parks and Recreation: Director of Parks & Recreation, Lenny Rapozo. This has been an incredible relationship that got started in 2009 and if you have been to Kāneiolouma, you can see the product and what they have done and the incredible amount of work. This is an incredible partnership that is between Rupert, who is the *po'o*, and the Department of Parks & Recreation, between ourselves, the Mayor, and the Director, where they continue to perpetuate the culture and take care and expose what gem this is that has become a worldwide gem

and this extension will help to continue its partnership with Kāneiolouma and the parks and those coming forward in the later years. At this time, I will give the mic to Rupert and he can elaborate more in our partnership together.

Council Vice Chair Kagawa: Can you state your name?

RUPERT ROWE: My name is Rupert Rowe and this is Tessie Kinnaman. She is my secretary for my organization. We started this project back in 1998, and on our journey along the way, nobody knew what we was doing at this particular site because there was no entry. It was surrounded by cactus. Everything we did in there, we kept it a secret and it is much easier. I learned from the process on how to do a culture project. So as we started to move forward, my original group, I must recognize Cheryl Lovell-Obatake, John Spaar, John Stem, Tessie, Billy Kaohelauli'i, and Terrie Hayes. Those are the members of my organization. So to put something like this forward, you must have "we's" with you. Anything that you do, whether it is an organization, business, or a culture, it all works around the "we" because "we" are the people that are going to do it as a team, than an "i." An "i" will always be a problem. I would like to thank Lenny, George, Bernard, and this Council and I was honored to have Councilmember Brun as a student of Leadership Kaua'i. We participate with different organizations on the outside. I had Stanford University come there to understand the culture and how we function in the community, because there are a lot of things happening in Hawai'i where the culture is "second best." Moving on, today I received two (2) calls from *Hana Hou* magazine and they want to write an article about this site. I did one for Air China, Air New Zealand, and the Swedish Airlines. These people stayed at the Grand Hyatt Kaua'i Resort, drove by, and took the time to come and talk to us and to understand how this project was in its best interest for this island as a whole. Right now, we are on the Waiohai side. We have been there just about one month and a half and we kind of made great progress, so the people at the hotel can now see across to Kāneiolouma. The hard part about the whole project is that you need funding to run such an organization and a project that demands the economic support from the outside. So it is a driving force in this particular area on the economics, because every day you go there, there are over six hundred (600) people that visit the site and they come back one time and they are amazed of the information that was provided. It was done by Randy Wichman and Ke'ao NeSmith. We gave it in English and in Hawaiian and they are amazed that it is what it is right there, right now. I do not know what else to say, but we need some *kālā*, as they would say, some greens. It would help us take this project forward. I am going to meet with the Po'ipū Association and we will take it from there. I thank the County and all of you folks for your support, all of you Councilmembers. Thank you.

Council Vice Chair Kagawa: Tessie, do you have anything that you want to share?



Ms. Kinnaman: Tessie Kinnaman. The past month and a half, as Rupert was saying, we started cleaning the opposite side of Manōkalanipō Park, and we wanted to ask for that park to be included in our Stewardship Agreement.

Mr. Rowe: What she is saying is that we have the stewardship of Kāneiolouma, but Manōkalanipō is a different thing. It is in the same area, so we would do it again and have the paperwork. That is all we have to do is do the paperwork where we are in charge on two (2) sides. Actually, the whole site right there was one (1). I feel that if it is all one (1) because it is interconnected, then it should be one (1). So we can get that straight right now.

Mr. Rapozo: We will work with the attorneys, but if you look at the past documents, Kāneiolouma actually extends into Po'ipū Beach Park to the ocean and as far down as we know it a Shipwrecks Beach, up to the big stone; so all of that area, even Waiohai that is part of the Kāneiolouma site, but yet, it is called Manōkalanipō Park. I will speak to Mauna Kea when he comes back. We were talking about this earlier today. I believe it is still part of the site, but we will clarify that with Mauna Kea.

Council Vice Chair Kagawa: Thank you. Any questions of Parks or Kāneiolouma?

Councilmember Brun: I have been there, Leadership Kaua'i, and I was impressed because I have not gone there for really long and when I went there I was really impressed at what you folks are doing and keeping up the good work. Thank you for this collaboration and to the Administration to reaching out and making this happen, because people always bash the Administration that "when something is going good, we find a way to screw it up," and I think this thing is going really good and you folks extending it for another twenty (20) years. It is really good what you folks are doing down there and thank you for bringing back the culture and practicing it out there. Thank you, Lenny, for making this work.

Councilmember Kaneshiro: Was this the first Adopt-a-Park Agreement that we did at the County?

Mr. Rapozo: This is the first "stewardship agreement" and it was the first in the State, actually. It has become the model that we came back for an extension, but this is the second extension to now go twenty (20) years to make sure it is perpetuated and that Rupert has the organization and infrastructure to do it. To his credit, not only the cleaning and the tourists—when he talked about groups, Kamehameha football team came over, forty plus (40+) boys as part of their spring training and this is the site that they worked, learning culture, as well as football. The head coach at the time had a unique idea in terms of to determine the leaders by working at this cultural place, and we know Kamehameha-Kapālama is so culturally

oriented. This site, as I have been educated, is a site where champions came out of. So it was always appropriate to have athletic teams come there, like we had University of Hawai'i at Mānoa basketball and football there, all kinds of people have gone there, even *hula* groups. It is not only the site, but also the education that Rupert folks bring about to our different people. When that happens, they will come back and say they were a part of it.

Council Vice Chair Kagawa: Councilmember Kawakami.

Councilmember Kawakami: I do not really have a question, but it is remarkable this type of partnership, so thank you folks so much. I have driven past that site probably thousands of times before you folks started to work on it and I think I am not the only one that did not even know this *wahi pana* existed. My wife is a history teacher so she is always one to say that if we do not know our history, we have really no direction on where we are going, so just the fact that you folks are out there. When you talk about money, the money side; operationally, how much does it cost to enter into the Stewardship Agreement for one (1) year, say? What kind of money are we talking about?

Mr. Rowe: I wanted to pay three (3) people to be there forty (40) hours a week because you need somebody there to do it. I have been there (inaudible) and there are three (3) of us who do this for some time. When my crew comes out, I have twenty-five (25) that have been with us from 1998 and never grumble. But this is the maintenance part now so that the economical part about that site will not have all weeds growing, so we need somebody there to do it all of the time. Right now, the outside and everything, I set up everything so that it is possible to make this be your number one tourist attraction on the south side, culturally, statewide. We are a model for everything that is happening in all of the other counties. So everybody is paying attention on what we are doing. I just need money to operate so that I can handle the maintenance work of the place. Right now, we opened everything up. My people are getting old, too. I am going to be seventy-six (76) years old, so I am not going to be able to be doing this every day, like I am doing it now, so I kind of feel the burden. But I just want the Council and the community to know that help is needed for us to continue. As I open it, things change in the area and the maintenance is very important.

Councilmember Kawakami: Does the Office of Hawaiian Affairs (OHA) help contribute to their grants? There are various vehicles. Even the State Legislature has a Grant-In-Aid (GIA) program where you can put an application in.

Mr. Rowe: I am getting ready to do the State.

Councilmember Kawakami: But OHA, to me, this should fit into what they are tasked to do, which is maintain our cultural and historic sites as well. They have

money and funding so hopefully this is something that they earmark for some support.

Mr. Rowe: I looked into all types of funding, from agencies of the government and the private sector, but I learned something about dealing with OHA. If you do not get the grant, you cannot come back the following year and apply for another grant.

Councilmember Kawakami: If you do not get the grant, you cannot come back and apply for another grant?

Mr. Rowe: For one (1) year. Then you come back and apply, just like you apply every other year. If you do not get it this year, you cannot come back next year.

Councilmember Kawakami: That is interesting because we actually encourage on the State level that if somebody does not get a grant, we encourage them to come back in. We tell them that most people do not a grant their first time around because there is a priority list and there is a que for it. It is interesting that they took that approach in their procedure.

Mr. Rowe: Yes. I looked into everything and even talked to our Senate President, so I figure that he would be moving in a direction faster. Molasses moves slow in the winter, so I am trying to get him to the summer where he comes like water.

Councilmember Kawakami: I wish money flowed like water, too.

Council Vice Chair Kagawa: Further questions? Councilmember Yukimura.

Councilmember Yukimura: First, I just want to say thank you to you, Rupert, and Tessie, and to your team. As Lenny has said, this has been a very impressive partnership and you folks have done the brunt of the work in thinking, planning, and solicitation of grants and moneys. The value of the place now to everyone, both in terms of learning, history, and awareness of the culture, and then to our visitors is tremendous. It is really tremendous. Thank you. I do not have any problems with approving this, but I do have concerns, like you have already expressed, Rupert, in terms of the continuity of your group. I trust you with my life, but if you are not there anymore, then the question is who is going to carryon?

Mr. Rowe: I have that answer for you.

Councilmember Yukimura: Okay.

Mr. Rowe: It is well-taken care of. If I die today, there is somebody that will take my place. This project is a long-range project, so it is not just a backdoor project with one (1) person.

Councilmember Yukimura: Yes.

Mr. Rowe: As I said earlier, it is based on a "we." So the group around me, you have to have something special to be in this group to take the lead if something happens to any one of us. By being in my group, as a board of director, if you plan to leave or plan to resign, I give you the chance to have somebody take your place and they will vote if that person is right.

Councilmember Yukimura: Yes.

Mr. Rowe: But for my organization, if you are with me, you are with me to the end. You look at character on leadership is how you make your decision to run an organization or a company.

Councilmember Yukimura: That is why we trust your leadership because it is based on character. We have just seen other nonprofits that go sideways...you see it in the news all of the time, because there is not the character. I want to say that you mentioned second-best; the thing about you and your group is you just exhibit and demonstrate such excellence. So such a good model. I wanted to ask, did I hear you say that you have about six hundred (600) visitors a day?

Mr. Rowe: Yes. You folks should come there and sit down on the side and count.

Councilmember Yukimura: So you folks are not counting, but it looks like it is about that number?

Mr. Rowe: People that walk and drive by, they stop and jump out of their car, they walk there, and read the signs.

Councilmember Yukimura: I do not know if you discussed it and there may be some issues that make it not workable, but at some point, in your long-range plan...I think you actually mentioned it to me, but I am not sure...the idea of a nominal donation or fee from visitors as something to contribute towards the maintenance of the place. Have you thought about that at all?

Mr. Rowe: I have thought about it, but if you do something on County property, you cannot be promoting to raise money on County property. I have never got an answer, that is my opinion.

Councilmember Yukimura: You would not be doing it as separate from the site, like selling Girl Scout Cookies; it would be totally related to the site. Maybe informally or formally, you are going to have guides who interpret and explain. Is that part of your vision at all?

Mr. Rowe: Yes. I have a master plan that looks ahead and how to implement my master plan.

Councilmember Yukimura: You might want to include some kind of revenue-generating...I do not know how you want to couch it or call it, but I think people would be more than happy to support a site like you have developed and will continue to develop.

Ms. Kinnaman: We have an IT person, Bill, and if you log on to our website, there is a button you can click on to donate. It also tracks the visitors to the area also because when you take a picture...

Councilmember Yukimura: You have pictures?

Mr. Rowe: When I put up my interpretive signs, I did not want to put anything pertaining to money on the County property because we are just an organization that is on the County property. So I do not want to be putting up a sign that says "Donate Money To Our Cause." I did not think it was right by using the County, so I never did that. When I say I need help...once I get my stuff rolling and get everything laid out, I see no problem in the future.

Councilmember Yukimura: You are right that it has to be done appropriately, but I would hope that it is not our restriction that is holding you back, us, as a County, because...

Mr. Rapozo: As part of his master plan, all of what he has discussed, will need to be formalized by us and by you, but I am glad that Rupert recognizes that currently peddlers and concessions...we have that ordinance...

Councilmember Yukimura: Yes, but I think it should be treated differently.

Mr. Rapozo: There are other organizations prior to this that would set up kiosks within parks asking for donations for their organizations.

Councilmember Yukimura: I think this is different.

Mr. Rapozo: I agree that this is different, but on the broader side, I think we need to formalize this thing with Kāneiolouma and I do not think it will be a problem when Rupert's group is ready to do it and we will move forward with that.

Councilmember Yukimura: I think it definitely needs some planning and thought into how to do it, but that is good that it is something you are thinking of how to do appropriately. In a way, that is sort of an invitation to help support. I think visitors would be more than happy.

Mr. Rowe: The only thing, like I said, I did not want to put it on the sign out there asking. I let you come to my webpage and see it and it is much easier and not complicated in the red tape of government. I am very careful of what I do. This organization has a lot of top quality people on the outside which support us, but it is the final decision on managing a culture and the economical end on maintenance of this particular site. So everything I did there with the State not having archaeologist trample the place and make a decision over the culture, I did a three-dimension layout of that whole place. So it stops the archaeologist because they decide how you should perform. That is not right.

Councilmember Yukimura: Well...

Mr. Rowe: The last thing I want to say, so that we cut this short, because...

Ms. Kinnaman: We are hungry...

Mr. Rowe: The last thing I wanted to say is that we took the stone from Kāneiolouma and placed it in Pu'ukoholā; it was for the unification in the culture uniting all of the islands to become one. Just like I sit here in front of you, we are all together in this project. Leadership and the skills that my group have among ourselves, they all know that if anything happens to any one of us, there is a reason why and there is a replacement. If anything happens to me, we know who the next person is. It is already done, taken care of, sealed and delivered.

Councilmember Yukimura: A good leader will think of succession and perpetuity, so thank you for thinking of it.

Mr. Rowe: Thank you, Councilmember Yukimura.

Councilmember Yukimura: You are welcome. Thank you.

Council Vice Chair Kagawa: Further questions? I just want to thank you folks for all that you have done. If you could share with me at a later point maybe the

projected annual operating cost you are looking at, as well as the CIP type of cost projections, then myself and Lenny can work on seeing how we can help.

Mr. Rowe: Right now, we are working with Westpac.

Council Vice Chair Kagawa: Okay.

Mr. Rowe: They are interested in the fishpond. We shall see. This Friday is the meeting with Westpac.

Council Vice Chair Kagawa: The other great thing that you mentioned was that you have been working with Senator Kouchi because he is the master of knowing where things fit, as far as how government can help, so continue that work.

Mr. Rowe: Since we are talking about on who we are going to recognize and everything, I want to say that "Kenny Boy" Morikawa played a great deal in supporting us on removing the rubbish and everything. I just wanted to drop that in there.

Council Vice Chair Kagawa: That is good to hear. Thank you.

Mr. Rowe: *Aloha.* Lunch is ready.

Council Vice Chair Kagawa: Thank you folks. Thank you, Lenny, for your work. Anybody from the public wishing to speak on this? Seeing none, the meeting is called back to order. Further discussion? Councilmember Kaneshiro.

There being no objections, the meeting was called back to order, and proceeded as follows:

Councilmember Kaneshiro: I will make it quick. I just want to thank the Administration, Rupert, Tessie, and his gang. As in all things, the first time you do something, it is scary because they could either do it right or they could do it wrong and I am very appreciative that they have done it right. From this, you see that we are doing other stewardship agreements with other people. If we did it and it went all wrong, we would say, "We will never do a stewardship agreement around the island." So for me, I am very appreciative for all of their hard work because it shows a model for us to say, "Look at what this stewardship agreement has done. Can we do it in other places around the island?" I just want to thank everyone for their hard work on that.

Council Vice Chair Kagawa: Further discussion? Councilmember Kawakami.

Councilmember Kawakami: Thank you, Vice Chair. He is hungry, so by all means, I do not want to hold him up.

Council Vice Chair Kagawa: Rupert, we are just having discussion if you wanted to hear all of the good things we have to say.

Councilmember Kawakami: This is truly a model, because oftentimes, the hesitancy to enter into stewardship agreements is the fear of this organization coming in and I guess taking the stewardship agreement to keep everybody else out. We have heard stories about that when you have community organizations enter into some type of agreement and they use it as, "this is our place." But in this case, they are telling everybody to come in and learn about the area. So that is a very promising thing and to move forward, that is one of the biggest traits I think we should look at when we are moving forward with stewardship agreements to see what their intent is as far as welcoming people in. This is very good thing. Thank you.

Council Vice Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: I could not be more pleased with the work and so grateful for the leadership and the hard work that it has taken to restore that site and show it in its full glory. I know it is not fully there yet, but it is such a gift to all of us. I feel like you have done things almost better than we do in the County in terms of some very good planning and some real cultural integrity. So you are a model in more ways than one. Please thank your team members and thank you both for your work. Thank you, Lenny, for facilitating the relationship.

Council Vice Chair Kagawa: For me, I just want to thank you folks. One of the things I wanted to do when I came into this County was to obviously help the County to become better and become more efficient. One of the other goals was how to take care of the host culture and this is one example that I think the County needs to do all we that we can to support the host culture in this venture. I know he went through a lot of struggles with basic things like water. You would think that for a project such as this that government can be a little bit more accommodating to the host culture in an event like this. It is not for a particular individual; it is for the entire Hawaiian people. Why can we not get through some of these barriers? We give Hawaiian Home Lands no tax on their homes, because of the respect for the host culture and the wrongs that were done. I think it is another example of a way that I think government should be more efficiently and more effectively helping them with these types of projects, because it is not for a single individual, it is to help the whole host culture of Kaua'i and the State. I just wanted to share that. With that, there is no further discussion. You may go to lunch, Rupert. Thank you.

There being no objections, the meeting was called back to order, and proceeded as follows:



The motion to approve C 2017-269 was then put, and carried by a vote of 5:0:2 (*Councilmember Chock and Council Chair Rapozo were excused*).

Council Vice Chair Kagawa: Clerk, can you read us into the two (2) Executive Sessions? The plan is to return at 1:30 p.m. for the public hearing and finish up the Council Meeting.

Ms. Fountain-Tanigawa: Vice Chair, we are on page number 6, Executive Session.

#### EXECUTIVE SESSION:

ES-929 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council, to provide the Council with a briefing and request for authority to settle the case of Carlos K. Lopez vs. Pacific Concrete, Cutting & Coring, Inc. vs. County of Kaua'i, Civil No. 14-1-0164 (Fifth Circuit Court, State of Hawai'i), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-930 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council, to provide the Council with a briefing on Special Counsel's continued services to represent the interests of the County as bond counsel for the issuance of general obligation bonds (2017 series) for the County, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Kaneshiro moved to convene into Executive Session for ES-929 and ES-930, seconded by Councilmember Brun.

Council Vice Chair Kagawa: Any questions or discussions? Anyone from the public wishing to speak on the Executive Sessions?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Vice Chair Kagawa: Roll call.

The motion to convene into Executive Session for ES-929 and ES-930 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Brun, Kaneshiro, Kawakami, Yukimura, Kagawa	TOTAL – 5,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Chock, Rapozo	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Vice Chair Kagawa: Thank you. We will break for lunch and return at 1:30 p.m.

There being no objections, the meeting recessed at 11:47 a.m.

The meeting reconvened at 1:30 p.m., and proceeded as follows:

*(Councilmember Brun was noted as not present.)*

*(Councilmember Kawakami was noted as not present.)*

*(Council Chair Rapozo was noted as present.)*

Council Chair Rapozo: We will call the meeting back to order. Clerk, can we have the last item on the agenda, please?

There being no objections, C 2017-267 was taken out of order.

Ms. Fountain-Tanigawa: Chair, we are on page number 5, C 2017-267.

C 2017-267 Communication (11/03/2017) from the County Attorney, requesting authorization to expend additional funds up to \$25,000.00 for Special Counsel's continued services provided to represent the interests of the County as bond counsel for the issuance of General Obligation Bonds (2017 series) for the County, and related matters: Councilmember Kagawa moved to approve C 2017-267, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Any discussion or public testimony?  
Councilmember Yukimura.

Councilmember Yukimura: Chair, we just found out that we can pay for County Attorney services of this nature from the Bond Fund, so maybe we can reimburse ourselves after it is over.

Council Chair Rapozo: Okay. Thank you.

The motion to approve C 2017-267 was then put, and carried by a vote of 6\*:0:1 (*\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kauai, Councilmembers Brun and Kawakami were noted as silent (not present), but shall be recorded as an affirmative vote for the motion.) (Councilmember Chock was excused).*

Council Chair Rapozo: That concludes today's agenda. If there are no objections, this meeting is adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 1:32 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jade K. Fountain-Tanigawa', with a large, stylized loop at the beginning.

JADE K. FOUNTAIN-TANIGAWA  
County Clerk

:ct

